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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/892,952	06/26/2001	Hiroto Narioka	450100-03293	4096
20999	7590	05/11/2005	EXAMINER	
FROMMER LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151			TRAN, NGHI V	
			ART UNIT	PAPER NUMBER
			2151	

DATE MAILED: 05/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/892,952

Applicant(s)

NARIOKA ET AL.

Examiner

Nghi V. Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 7-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on April 15, 2005 has been entered.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 8 and 11 are rejected under 35 U.S.C. 102(e) as being anticipated by Ishikawa et al., U.S. Patent No. 6,650,647 (hereinafter Ishikawa).

4. With respect to claims 8 and 11, Ishikawa teaches a server [20, 200, 40, or 400] comprising:

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- receiving unit [402] configured to receive data including position information from a plurality of information processing apparatus at each time intervals and to receive a message from a user for data including position information of specified information processing apparatus [column 2, lines 13-26 and lines 44-62; and column 9, lines 19-39];
- storing unit [206] configured to store said received data to predetermined user-wise directories furnish previously in a storage area which is applicable to individual users [column 9, lines 40-44; and column 10, lines 43-62];
- transmitting unit [112] configured to transmit a data stored in a specified directory in response to a request from the user who sends said message at time intervals of updating the data by said specified information processing apparatus [column 10, line 64 - column 11, line 26].

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 7, 9-10, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ishikawa et al., U.S. Patent No. 6,650,647 (hereinafter Ishikawa), in view of Phelan, U.S. Patent No. 6,240,360.

7. With respect to claims 7 and 10, Ishikawa teaches an image processing apparatus [30] comprising:

- position information acquiring unit [120] configured to acquired position information [column 8, lines 31-37];
- position information converting unit [i.e. navigation system in 30] configured to convert said position information acquired by said position information acquiring unit into converted data to be displayed on other information processing apparatus [column 5, lines 21-31];
- transmitting unit [112] configured to transmit to a server said converted data at first time intervals and to transmit a message asking the sever for data of the position of other specified information processing apparatus [S202];
- receiving unit [304] configured to receive said data of the position of other specified information processing apparatus from the server at second time intervals [S204 including position data; column 14, lines 48-52; and column 6, lines 14-33];
- a display unit [104] to display the data of the position of other specified information processing apparatus [column 12, lines 14-21]; and
- display updating unit [304] configured to supplement the data of position of other specified information processing apparatus displayed with new data at said second time intervals [column 7, lines 54-66; column 10, lines 10-26; and column 6, lines 34-48].

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However, Ishikawa is silent on said converted data being a position map in a predetermined format which permits implementation of a website content.

In an image processing apparatus, Phelan discloses said converted data being a position map in a predetermined format which permits implementation of a website content [fig.3, col.5, lns.30-55, and col.6, ln.59 - col.7, ln.31].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Ishikawa in view of Phelan by converting data being a position map in a predetermined format which permits implementation of a website content because this feature can be overlaid on a single map on the screen of the client computer with hypertext links provided to the various source data on the different overlay or information server computer [Phelan, col.4, lns.7-22]. It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated to modify Ishikawa in view of Phelan in order to take the form simply of changing the position of the icon or hypertext data relating to particular points of interest within the new geographical area [Phelan, col.4, lns.35-46].

8. With respect to claims 9 and 12, Ishikawa teaches an image processing system, comprising:

- an image processing apparatus, including:
- position information acquiring unit [120] configured to acquired position information [column 8, lines 31-37];

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- position information converting unit [i.e. navigation system in 30] configured to convert said position information acquired by said position information acquiring unit into converted data to be displayed on other information processing apparatus [column 5, lines 21-31];
- transmitting unit [112] configured to transmit to a server said converted data at first time intervals and to transmit a message asking the sever for data of the position of other specified information processing apparatus [S202];
- receiving unit [304] configured to receive said data of the position of other specified information processing apparatus from the server at second time intervals [S204 including position data; column 14, lines 48-52; and column 6, lines 14-33];
- a display unit [104] to display the data of the position of other specified information processing apparatus [column 12, lines 14-21]; and
- display updating unit [304] configured to supplement the data of position of other specified information processing apparatus displayed with new data at said second time intervals [column 7, lines 54-66; column 10, lines 10-26; and column 6, lines 34-48].
- said server, including:
 - receiving unit [402] configured to receive data including position information from a plurality of information processing apparatus at each time intervals and to receive a message from a user for data including position information of

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specified information processing apparatus [column 2, lines 13-26 and lines 44-62; and column 9, lines 19-39];

- storing unit [206] configured to store said received data to predetermined user-wise directories furnish previously in a storage area which is applicable to individual users [column 9, lines 40-44; and column 10, lines 43-62];
- transmitting unit [112] configured to transmit a data stored in a specified directory in response to a request from the user who sends said message at time intervals of updating the data by said specified information processing apparatus [column 10, line 64 - column 11, line 26].

However, Ishikawa is silent on said converted data being a position map in a predetermined format which permits implementation of a website content.

In an image processing apparatus, Phelan discloses said converted data being a position map in a predetermined format which permits implementation of a website content [fig.3, col.5, lns.30-55, and col.6, ln.59 - col.7, ln.31].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Ishikawa in view of Phelan by converting data being a position map in a predetermined format which permits implementation of a website content because this feature can be overlaid on a single map on the screen of the client computer with hypertext links provided to the various source data on the different overlay or information server computer [Phelan, col.4, lns.7-22]. It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated to modify Ishikawa in view of Phelan in order to take the form simply of

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changing the position of the icon or hypertext data relating to particular points of interest within the new geographical area [Phelan, col.4, lns.35-46].

Response to Arguments

9. Applicant's arguments with respect to claims 7-12 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nghi V Tran whose telephone number is (571) 272-4067. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on (571) 272-3939. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


ZARNI MAUNG
SUPERVISORY PATENT EXAMINER

Nghi V Tran